

REMARKS

The Office Action dated August 3, 2005 has been received and its contents carefully noted. In response thereto, applicants have amended existing claims and added some new claims in an effort to place the application in condition for allowance. Reconsideration of the rejections of the claims is respectfully requested in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

Applicants appreciate the indication that claim 8 contains allowable subject matter. To place the claim in allowable form, claim 8 has been rewritten in independent form to include all the limitations of claims 1, 7 and 8. Accordingly, claim 8 is believed to be in condition for allowance.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Turning now to the rejections under 35 U.S.C. §§ 102 and 103, claims 1, 2, 5 and 6 have been rejected as being anticipated by Brown et al. (U.S. Patent Application Publication No. 2003/0070259) while the Examiner modifies Brown '259 on the grounds of alleged obviousness to reject claims 3 and 4. Claims 1, 2, 5-7 and 9 have been rejected on the grounds of anticipation by Stvartak et al. (U.S. Patent No. 6,601,272). Claims 3 and 4 stand rejected when the Stvartak '272 is modified on the grounds of alleged obviousness. Applicants respectfully disagree with these rejections for the following cogent reasons.

Brown '259 discloses a toothbrush 10 with grips 16, 17 on the front and rear thereof. Each of these grips 16, 17 are respectively disposed in recessed grip areas 24, 26 formed in the handle 12. Brown '259 uses a hole 28 formed through the handle 12 to connect the two recessed grip areas 24, 26. See page 3, paragraph 0037.

Stvartak '272 also discloses a toothbrush 10 with a handle 12 having a proximal grip section 14, a central control section 16 and a distal brush section 18. A rigid base member is selectively overmolded with elastomer to form the handle 12. Stvartak '272 uses holes 114 and 116 formed in the handle 12 to help connect the elastomer to the rigid base member. See column 5, lines 15-67.

On the other hand, the present invention as claimed in independent claim 1 calls for "a first gripping member disposed along an exterior region of said housing, said first gripping member formed from a second material softer than said first material, said first gripping member having a first substantially concave recessed region on an exposed exterior surface thereof, and a second gripping member formed from said second material, said second gripping member defining a second substantially concave recessed region on an exposed exterior surface thereof." While Brown '259 shows recesses 24 and 26 in the handle 12, the grips 16 and 17 do not have any such "substantially concave recessed region" "on an exposed exterior surface thereof" as required by claim 1. In fact, grip 17 is completely convex on its outer surface so it certainly does not exhibit this feature. Likewise, the toothbrush in Stvartak '272 does not have any such "substantially concave recessed region" "on an exposed exterior surface thereof" as required by claim 1. Accordingly, it appears as though the Section 102

rejections based on Brown '259 and Stvartak '272 are now incorrect and should be withdrawn. In addition, the Section 103 rejections are merely improper hindsight reconstruction of applicants' own invention using applicants' own disclosure so these should be withdrawn as well.

Applicants have also added new claims 10-15 to emphasize further distinguishing features of the invention. These features include (1) the first and second gripping members have generally convex shapes; (2) these generally convex shapes of the first and second gripping members are contoured to match the housing; (3) the first and second generally concave recessed regions thereof having generally oval shapes when viewed in a planar fashion; (4) the first and second gripping members being separate and distinct from each other; (5) the first and second gripping members being symmetrically disposed on a rearward side of the housing so that the toothbrush may be used by both left-handed and right-handed individuals; and (6) a positionable actuator being disposed in the housing for controlling operation of the toothbrush. These features are not disclosed in Brown '259 or Stvartak and are not obvious in view of such prior art.

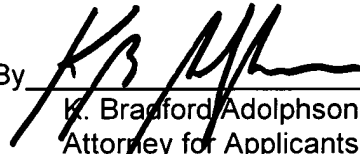
Accordingly, it is submitted that the present invention as claimed is readily distinguishable from the prior art references for the reasons indicated. Applicants' invention is not disclosed by any of the prior art and there is no fair basis for alleging that applicants' invention is obvious in regard to such prior art. If the invention was obvious, it would have been adopted before in view of its advantages.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all the presently pending claims are allowable and early favorable action is earnestly solicited. The Examiner is invited to call applicants' attorney if any questions remain following review of this response.

Respectfully submitted,

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